

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY McCARVER,

Plaintiff,

v.

Wayne Circuit Case No. 2021-006644-NO
Case No. 2:21-cv-11591

Judge

TARGET STORES, INC., a Foreign Profit
Corporation, individually and d/b/a TARGET
STORE #279

TARGET CORPORATION, a Foreign Profit
Corporation, individually and d/b/a TARGET
STORE #279

Defendants.

BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (64540)
ADAM J. GANTZ (P58558)
Law Office of Kelman & Fantich
Attorneys for Plaintiff
30903 Northwestern Hwy., Suite 270
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KENNETH P. WILLIAMS (P55790)
Segal, McCambridge Singer &
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Attorney for Defendants
29100 Northwestern Hwy., Suite 240
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NOTICE OF REMOVAL

TO: The United States District Court
Eastern District of Michigan
Southern Division

NOW COME the Defendants, TARGET STORES, INC. and TARGET
CORPORATION, d/b/a TARGET STORE #279, a Minnesota Corporation, by and
through its attorneys, SEGAL McCAMBRIDGE SINGER & MAHONEY, and

hereby removes this action and gives notice to Plaintiff of the removal of this action from the Circuit Court of the State of Michigan, County of Wayne, to the United States District Court for the Eastern District of Michigan, Southern Division, and respectfully shows unto this Court as follows:

1. That TARGET STORES, INC. and TARGET CORPORATION are the only Defendants in a civil action brought against them in the Circuit Court for the County of Wayne, State of Michigan, entitled “JEFFREY McCARVER, Plaintiff, v. TARGET STORES, INC., a Foreign Profit Corporation, individually and d/b/a TARGET STORE #279, and TARGET CORPORATION, a Foreign Profit Corporation, individually and d/b/a TARGET STORE #279, Defendant,” Case No: 2021-006644-NO, and that attached hereto are Exhibit 1, Summons and Complaint; Exhibit 2, Appearance and Notice of Appearance; Exhibit 3, Plaintiff’s First Set of Interrogatories Direct to Defendant Target Corporation d/b/a Target Store #279; and Exhibit 4, Request for Production of Documents/Things, and constitute all process and pleadings served by and upon the parties in such action; and that no further proceedings have been had therein.

2. That the above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332(a) and is one which may be removed to this Court by the petitioner, Defendant herein, pursuant to the provisions of Title 28, United States Code, Section 1441(a),

in that it is a civil action wherein the Plaintiff claims damages in an amount in excess of \$75,000.00, exclusive of interest, costs and attorney fees, by virtue of the claim for damages due to the injuries to Plaintiff's closed head injury, cognitive deficits, neurological deficits, hip injuries, and injuries to his head, neck, back, spine and upper and lower extremities claimed to be due to the alleged incident at the Dearborn Target in this case located at 15901 Ford Road, together with the claim of future loss of income which he claims arises from the incident in this case.

3. That this notice of removal is filed in a timely and proper manner inasmuch as this notice of removal is filed within one (1) year of the filing of the lawsuit on June 2, 2021. 28 USC 1446(b)(3).

4. Where the state court rule provides that Plaintiff may not aver a specific amount for unliquidated damages, the Defendant may remove the case upon receipt of a paper relating to the amount in controversy by which it is first ascertained that the case is or has become removable. 28 USC 1446(c)(2)(A)(ii), (3)(A). Michigan is a state that prohibits a specific amount being demanded for unliquidated damages such as the injury to plaintiff's back, pain and suffering and the like. MCR 2.111(B)(2).

5. That further, this matter may be removed to federal court on the basis of diversity of citizenship under Title 28, United States Code, Section 1332(a)(1) in that plaintiff, JEFFREY McCARVER, is a resident and citizen of the City of Detroit,

County of Wayne and State of Michigan, and defendant is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota, and is not a citizen of the State of Michigan in that it is neither incorporated in, nor has its principal place of business in, the State of Michigan.

WHEREFORE, Defendants give notice that the above action now pending against them in the Circuit Court of the County of Wayne, State of Michigan is removed therefrom to this Court.

SEGAL McCAMBRIDGE SINGER &
MAHONEY

By: /s/ Kenneth P. Williams
KENNETH P. WILLIAMS (P55790)
Attorney for Defendants
29100 Northwestern Hwy., Suite 240
Southfield, MI 48034
248-994-0060

Dated: July 7, 2021

NOTICE TO STATE COURT AND COUNSEL OF REMOVAL

BRIAN L. FANTICH (P60935)
CARRA J. STOLLER (64540)
ADAM J. GANTZ (P58558)
Attorneys for Plaintiff

CLERK OF THE COURT
Wayne County Circuit Court

PLEASE TAKE NOTICE that the above-captioned cause has been removed from the Wayne County Circuit Court, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division, and that attached hereto is a copy of the Notice of Removal which was duly filed on July 7,

2021, in said Court. The case has been assigned to Federal Judge _____ and is designated as Civil Action No. _____.

SEGAL McCAMBRIDGE SINGER &
MAHONEY

By: /s/ Kenneth P. Williams

KENNETH P. WILLIAMS (P55790)

Attorney for Defendants

29100 Northwestern Hwy., Suite 240

Southfield, MI 48034

248-994-0060

Dated: July 7, 2021

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2021, a copy of the foregoing Notice of Removal was filed and served electronically via the Court's electronic filing system (or, to the extent such service could not be accomplished because the recipients are not yet registered for electronic service, via first-class U.S. Mail, postage prepaid) to the following parties and counsel:

BRIAN L. FANTICH (P60935)

CARRA J. STOLLER (64540)

ADAM J. GANTZ (P58558)

30903 Northwestern Hwy., Suite 270

Farmington Hills, MI 48334

Clerk of the Court

Wayne County Circuit Court

/s/ Kimberly Ollila